

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

Larry James Washington,

Petitioner

V.

Jo Gentry, et al.,

## Respondents

2:17-cv-01589-JAD-NJK

## Order Denying Motions

[ECF No. 20, 21, 23]

Pro se petitioner Larry Washington is an inmate at the Southern Desert Correctional Facility serving two life sentences for second-degree kidnapping while using a deadly weapon and a deadly weapon.<sup>1</sup> He petitions for a writ of habeas corpus under 28 U.S.C. § 2254,<sup>2</sup> and respondents move to dismiss it.<sup>3</sup> Washington requests additional time to respond to the petition, moves for appointment of counsel,<sup>5</sup> and asks me to take judicial notice of more than 100 pages of documents.<sup>6</sup>

Respondents oppose Washington’s request for more time, arguing that he already responded to their dismissal motion.<sup>7</sup> Respondents are correct: Washington responded to the dismissal motion in a document entitled “Petitioner’s Motion in Opposition To Respondent’s

<sup>1</sup> NEV. DEP'T OF CORR. (Feb. 9, 2018) <http://doc.nv.gov/Inmates/Home/> (inmate search by name Larry Washington or offender ID 24573).

<sup>2</sup> ECF No. 6.

<sup>3</sup> ECF No. 9.

4 ECF No. 20

5 ECE No. 21

6 ECE N. 23

7 ECEM 25

1 [sic] Motion To Dismiss.”<sup>8</sup> So, his request for more time is moot, and I deny it. I also deny his  
2 renewed motion for appointment of counsel because the only new bases that he asserts are that he  
3 cannot afford a lawyer, has limited access to the law library, and has an inmate in Nevada is  
4 writing his motions for him and mailing them to him in Arizona.<sup>9</sup> Since filing his motion,  
5 Washington has been transferred back to Nevada, so his third new basis is no longer relevant.<sup>10</sup>  
6 And as I said in my previous order denying his first motion for appointment of counsel, “[i]t  
7 appears that [Washington] has the ability to communicate his issues, which are not so complex  
8 that denial of counsel would amount to a denial of due process.”<sup>11</sup> His renewed motion is  
9 therefore denied.

10 And finally, the documents that Washington wants me to take judicial notice of are  
11 argumentative in nature and appear to respond to respondents’ dismissal motion.<sup>12</sup> Judicial  
12 notice is thus inappropriate.<sup>13</sup> I will consider these documents, along with the several exhibits  
13 that Washington filed,<sup>14</sup> when deciding the motion to dismiss.

14 Accordingly, IT IS HEREBY ORDERED that Washington’s renewed motion for  
15 appointment of counsel [**ECF No. 21**] and request for me to take judicial notice [**ECF No. 23**]  
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21 <sup>8</sup> ECF No. 22.

22 <sup>9</sup> ECF No. 21.

23 <sup>10</sup> ECF No. 25.

24 <sup>11</sup> ECF No. 4 at 2.

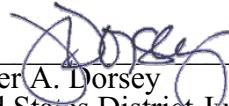
25 <sup>12</sup> ECF No. 23.

26 <sup>13</sup> FED. R. EVID. 201.

27 <sup>14</sup> ECF Nos. 23-1, 24.

1 **are DENIED. IT IS FURTHER ORDERED that Washington's motion for an extension of time**  
2 **[ECF No. 20] is DENIED as moot.**

3 DATED: February 16, 2018.

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5 Jennifer A. Dorsey  
6 United States District Judge

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